

# SENATE BILL 609

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SB 642/09 – FIN

0lr2775

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By: **Senator Kittleman**

Introduced and read first time: February 5, 2010

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Temporary Total Disability Benefits – Credit**

3 FOR the purpose of providing a credit for an employer or insurer for certain payments  
4 to a covered employee for temporary total disability benefits under certain  
5 circumstances and during a certain period; providing for the application of this  
6 Act; and generally relating to payment of temporary total benefits.

7 BY repealing and reenacting, without amendments,  
8 Article – Labor and Employment  
9 Section 9–618  
10 Annotated Code of Maryland  
11 (2008 Replacement Volume and 2009 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article – Labor and Employment  
14 Section 9–621  
15 Annotated Code of Maryland  
16 (2008 Replacement Volume and 2009 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Labor and Employment**

20 9–618.

21 A covered employee who is temporarily totally disabled due to an accidental  
22 personal injury or an occupational disease shall be paid compensation in accordance  
23 with this Part III of this subtitle.

24 9–621.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) Except as provided in paragraph (2) of this subsection, if a covered  
2 employee is temporarily totally disabled due to an accidental personal injury or an  
3 occupational disease, the employer or its insurer shall pay the covered employee  
4 compensation that equals two-thirds of the average weekly wage of the covered  
5 employee, but:

6 (i) does not exceed the average weekly wage of the State; and

7 (ii) is not less than \$50.

8 (2) If the average weekly wage of the covered employee is less than  
9 \$50 at the time of the accidental personal injury or the last injurious exposure to the  
10 hazards of the occupational disease, the employer or its insurer shall pay the covered  
11 employee compensation that equals the average weekly wage of the covered employee.

12 (b) (1) The employer or its insurer shall pay the compensation for the  
13 period that the covered employee is temporarily totally disabled.

14 (2) **THE EMPLOYER OR ITS INSURER MAY BE ENTITLED TO A  
15 CREDIT FOR COMPENSATION PAID TO A COVERED EMPLOYEE WHO IS  
16 TEMPORARILY TOTALLY DISABLED DUE TO AN ACCIDENTAL PERSONAL INJURY  
17 OR AN OCCUPATIONAL DISEASE IF:**

18 (I) **MEDICAL TREATMENT OF THE EMPLOYEE FOR AN  
19 ACCIDENTAL PERSONAL INJURY OR AN OCCUPATIONAL DISEASE IS DELAYED OR  
20 SUSPENDED; AND**

21 (II) **THE DELAY OR SUSPENSION OF TREATMENT IS CAUSED  
22 SOLELY BY A MEDICAL CONDITION, INJURY, OR DISEASE THAT IS NOT RELATED  
23 TO THE ACCIDENTAL PERSONAL INJURY OR AN OCCUPATIONAL DISEASE.**

24 (3) **THE CREDIT PROVIDED UNDER PARAGRAPH (2) OF THIS  
25 SUBSECTION MAY BE ALLOWED ONLY FOR COMPENSATION PAID DURING THE  
26 PERIOD THAT MEDICAL TREATMENT FOR AN ACCIDENTAL PERSONAL INJURY OR  
27 AN OCCUPATIONAL DISEASE WAS DELAYED OR SUSPENDED SOLELY BECAUSE OF  
28 A MEDICAL CONDITION, INJURY, OR DISEASE THAT IS NOT RELATED TO THE  
29 ACCIDENTAL PERSONAL INJURY OR AN OCCUPATIONAL DISEASE.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
31 construed to apply only prospectively and may not be applied or interpreted to have  
32 any effect on or application to any claims for workers' compensation benefits filed  
33 before the effective date of this Act.

34 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 October 1, 2010.